

Adopted	Rejected
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## COMMITTEE REPORT

YES:	10
NO:	0

### MR. SPEAKER:

*Your Committee on* **Veterans Affairs and Public Safety**, to which was referred  
Senate Bill 137, has had the same under consideration and begs leave to report the same  
back to the House with the recommendation that said bill **be amended** as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 9-22-1-11 IS AMENDED TO READ AS
- 4       FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. An officer who
- 5       finds or is notified of a vehicle or parts believed to be abandoned shall
- 6       attach in a prominent place a notice tag containing the following
- 7       information:
- 8           (1) The date, time, officer's name, public agency, and address and
- 9           telephone number to contact for information.
- 10          (2) That the vehicle or parts are considered abandoned.
- 11          (3) That the vehicle or parts will be removed after:
- 12            **(A) thirty-six (36) hours, if the vehicle is located on or**
- 13            **within the right-of-way of an interstate highway or any**
- 14            **highway that is designated as part of the state highway**
- 15            **system under IC 8-23-4; or**
- 16            **(B) seventy-two (72) hours, for any other vehicle.**

(4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within:

**(A) thirty-six (36) hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under IC 8-23-4; or**

**(B) seventy-two (72) hours, for any other vehicle.**

SECTION 2. IC 9-22-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. If a vehicle or a part tagged under section 11 of this chapter is not removed within the ~~seventy-two (72) hour~~ **applicable** period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

SECTION 3. IC 35-42-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) Except as provided in this section, a person who recklessly violates or fails to comply with IC 16-41-7 commits a Class B misdemeanor.

(b) A person who knowingly or intentionally violates or fails to comply with IC 16-41-7-1 commits a Class D felony. **However, the offense is a:**

**(1) Class B felony if the person causes the victim to contract hepatitis B; and**

**(2) Class A felony if the person causes the victim to:**

**(A) contract acquired immune deficiency syndrome (AIDS); or**

**(B) become infected with human immunodeficiency virus (HIV).**

(c) Each day a violation described in this section continues constitutes a separate offense.

SECTION 4. IC 35-42-4-4, AS AMENDED BY P.L.216-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) As used in this section:

1 "Disseminate" means to transfer possession for free or for a  
2 consideration.

3 "Matter" has the same meaning as in IC 35-49-1-3.

4 "Performance" has the same meaning as in IC 35-49-1-7.

5 "Sexual conduct" means sexual intercourse, deviate sexual conduct,  
6 exhibition of the uncovered genitals intended to satisfy or arouse the  
7 sexual desires of any person, sadomasochistic abuse, sexual intercourse  
8 or deviate sexual conduct with an animal, or any fondling or touching  
9 of a child by another person or of another person by a child intended to  
10 arouse or satisfy the sexual desires of either the child or the other  
11 person.

12 (b) A person who knowingly or intentionally:

13 (1) manages, produces, sponsors, presents, exhibits, photographs,  
14 films, videotapes, or creates a digitized image of any performance  
15 or incident that includes sexual conduct by a child under eighteen  
16 (18) years of age;

17 (2) disseminates, exhibits to another person, offers to disseminate  
18 or exhibit to another person, or sends or brings into Indiana for  
19 dissemination or exhibition matter that depicts or describes sexual  
20 conduct by a child under eighteen (18) years of age; or

21 (3) makes available to another person a computer, knowing that  
22 the computer's fixed drive or peripheral device contains matter  
23 that depicts or describes sexual conduct by a child less than  
24 eighteen (18) years of age;

25 commits child exploitation, a Class C felony.

26 (c) A person who knowingly or intentionally possesses:

27 (1) a picture;

28 (2) a drawing;

29 (3) a photograph;

30 (4) a negative image;

31 (5) undeveloped film;

32 (6) a motion picture;

33 (7) a videotape;

34 (8) a digitized image; or

35 (9) any pictorial representation;

36 that depicts or describes sexual conduct by a child who the person  
37 knows is less than sixteen (16) years of age or who appears to be less  
38 than sixteen (16) years of age, and that lacks serious literary, artistic,

1 political, or scientific value commits possession of child pornography,  
 2 a ~~Class D~~ **Class C** felony.

3 (d) Subsections (b) and (c) do not apply to a bona fide school,  
 4 museum, or public library that qualifies for certain property tax  
 5 exemptions under IC 6-1.1-10, or to an employee of such a school,  
 6 museum, or public library acting within the scope of the employee's  
 7 employment when the possession of the listed materials is for  
 8 legitimate scientific or educational purposes."

9 Page 1, between lines 14 and 15, begin a new paragraph and insert:  
 10 "SECTION 6. [EFFECTIVE JULY 1, 2008] **IC 35-42-1-9 and**  
 11 **IC 35-42-4-4, both as amended by this act, apply to offenses**  
 12 **committed after June 30, 2008."**

13 Renumber all SECTIONS consecutively.  
 (Reference is to SB 137 as printed January 25, 2008.)

**and when so amended that said bill do pass.**

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Representative Tinch